

## How Will the IMCA Carry Out Their Duties?

The IMCA will decide how best to represent and support the person who lacks capacity. They will;

- Confirm that the person instructing them has the authority to do so
- Interview in private the person who lacks capacity
- Examine relevant health and social care records
- Get the views of professionals and paid workers providing care and treatment for the person
- Get the views of anyone else who can give information about the wishes, feelings, beliefs and values of the person
- Find out what support the person has had to help them participate in the decision-making process
- Seek to establish that proposed measures are the least restrictive of the person's rights
- Consider whether they have concerns about the outcome of the process

**We provide the IMCA service for care reviews in;**

**Blaenau Gwent, Caerphilly, Cardiff, Merthyr Tydfil, Monmouthshire, Newport, Rhondda Cynon Taff, The Vale of Glamorgan, Torfaen.**

**To refer, or if you have any queries, in the first instance contact;**

**ADVOCACY SUPPORT CYMRU**

 **029 2054 0444**

Referral forms can be found on our website

 **[www.ascymru.org.uk](http://www.ascymru.org.uk)**

Completed forms can be sent via email to

 **[info@ascymru.org.uk](mailto:info@ascymru.org.uk)**

or faxed to

 **029 2073 5620**

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# Independent Mental Capacity Advocacy (IMCA) Service and Care Reviews

## Information for Health and Social Care Professionals

This leaflet will tell you who must be referred to the IMCA service, the responsibilities of professionals when referring and the rights and role of the Independent Mental Capacity Advocate (IMCA).

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## Independent Mental Capacity Advocacy and Care Reviews

In Wales certain vulnerable individuals are eligible for the support of an IMCA, a role defined in the Mental Capacity Act 2005.

The IMCA provides independent safeguards for people who lack capacity to make certain important decisions and, at the time such decisions need to be made in their best interests, have no-one (other than paid staff) to support or represent them or be consulted. The IMCA will take on this role.

IMCAs are able to be instructed when local authorities or an NHS body are undertaking care reviews for individuals staying in accommodation arranged by a local authority or NHS body, including care homes and hospitals.



## What are your Responsibilities as Professionals?

The Mental Capacity Act 2005 clearly sets out duties placed on health and social care professionals in relation to instructing an IMCA during care reviews. Local Authorities and NHS bodies have the power to instruct an IMCA when they are undertaking reviews for individuals. Reviews include;

- Care reviews for people in accommodation arranged by the local authority
- Reviews undertaken by NHS bodies for those people who are receiving continuing healthcare
- Care plan reviews undertaken by NHS bodies for inpatients

Where a person meets the requirements for IMCA instruction, professionals must consider whether to use this power based on an assessment of the potential benefit to the person. If the power to instruct an IMCA is not used, it is good practice to record the reasons why in the care review.

## Who is Responsible for Instructing an IMCA?

Local authorities and NHS bodies are accountable for compliance with regard to IMCA instruction for care reviews. Responsibility sits with;

- The local authority if the accommodation is provided as a consequence of an assessment carried out under the NHS and Community Care Act 1990
- The NHS body managing the hospital where an eligible person is an inpatient
- The NHS body arranging and funding healthcare in an independent or voluntary hospital
- The NHS body funding accommodation as part of continuing healthcare

## What Rights Does the IMCA Have?

IMCAs have a statutory role to represent and support the person at risk in relation to decisions concerning protective measures, which must comply with the Mental Capacity Act.

The IMCA has the right to;

- Interview or meet with the person in private if possible
- Talk to professionals
- Talk to friends and family
- Access relevant health and social care records